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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,015	01/11/2002	Isabelle Boeyc	24069B	9093
22889	7590	08/27/2004	EXAMINER	
OWENS CORNING 2790 COLUMBUS ROAD GRANVILLE, OH 43023			SORKIN, DAVID L	
			ART UNIT	PAPER NUMBER
			1723	
DATE MAILED: 08/27/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No. 10/044,015	Applicant(s) BOEYE, ISABELLE	
	Examiner David L. Sorkin	Art Unit 1723	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 16 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached Detailed Action.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 9 and 11-22.

Claim(s) withdrawn from consideration: 23 and 24.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

David L. Sorkin  
Examiner  
Art Unit: 1723

### DETAILED ACTION

1. The proposed amendment would cause claim 20 to depend from a canceled claim.
2. Though in proposed claim 9 the initial recitation of "second tubular chamber" is deleted, numerous recitations of "said second chamber" and "said second tubular chamber" persist, for which there would be insufficient antecedent basis. It must be made clear if the "hydrolyzer chamber" is or is not required to be "tubular".
3. In proposed claim 9, the new phrase "and in introduction..." is confusing.
4. The proposed amendment of claim 9, would cause claim 12 to be indefinite in that it would be unclear if "said flow regulator" refers to the flow regulator recited in the new portion of claim 9 or the flow regulator recited in claim 11. Likewise, in claim 14 it would be unclear which flow regulator "said flow regulator" denotes. Likewise, in claim 15, it would be unclear which cylindrical ring "said cylindrical ring" denotes.
5. If proposed claim 9 were entered, it appears claim 17 would duplicate claim 9.
6. The objection set forth in the third paragraph of the final rejection has not been addressed.
7. In the proposed claims, contrary to 37 CFR 1.121(c), claim 21, labeled "(Previously Presented)" includes marked-up text (double bracketing in the last line of the claim).
8. Changing "means" to - - mixing element - - in claim 9 would cause the claims to no longer invoke section 112, sixth paragraph in this aspect. Thusly, mixing elements not described in the specification and which are not equivalent of those described in the

specification would be within the scope of the limitation. As the claims would be broader in this regard, further search and consideration is necessitated.

9. Applicant's reference in applicant's remarks to "allowable claim 19" solely reflects applicant's opinion and is not consistent with a USPTO opinion. The record reflects that claim 19 is a finally rejected claim. While the office action mailed 17 September 2003 (not the final rejection) indicated a claim 19 to be directed to allowable subject matter, the proposed claims do not include all the limitations of the indicated allowable subject matter. For example, the second tubular chamber is no longer required. Furthermore, the version of claim 19 which was indicated to be directed to allowable subject matter included the phrase "and in flow communication with both said second and said third chambers to permit", which the proposed claims omit.

10. It is noted for the record that in the amendment filed 30 April 2004 a substantial portion of claim 19 was deleted without the marking-up required by 37 CFR 1.121(c), subsequent to the claim being indicated as directed to allowable subject matter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 571-272-1148. The examiner can normally be reached on 9:00 -5:30 Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "David L. Sorkin". The signature is stylized with a large "D" and "S".

David Sorkin

David L. Sorkin  
Examiner  
Art Unit 1723